

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ROBERT NELSON, III,

Plaintiff,

v.

UNITED STATES FEDERAL  
GOVERNMENT, *et al.*,

Defendants.

Case No. 3:22-cv-00184-ART-CSD

ORDER

*Pro se* Plaintiff Robert Nelson, III brings this action against Homeland Security, US Food, and the United States Federal Government generally for violations of the Fourth Amendment. (ECF No. 4.) Before the Court is the Report and Recommendation (“R&R” or “Recommendation”) of United States Magistrate Judge Craig S. Denney (ECF No. 6), recommending that this case be dismissed without prejudice and administratively closed because Nelson, III did not timely file an amended complaint as required by the Court and because the allegations in this case are frivolous. (ECF No. 3.) The parties had until August 2, 2022 to file an objection to the R&R. To date, no objection to the R&R has been filed. For this reason, and as explained below, the Court adopts the R&R, and will dismiss this case without prejudice and administratively close this case.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate judge’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis

1 in original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that  
2 the Court “need only satisfy itself that there is no clear error on the face of the  
3 record in order to accept the recommendation.”).

4 Because there is no objection, the Court need not conduct de novo review,  
5 and is satisfied Judge Denney did not clearly err. Here, Judge Denney  
6 recommends dismissal of this case without prejudice both because Nelson, III did  
7 not timely file an amended complaint within 30 days of June 8, 2022 as ordered  
8 by the Court (ECF No. 3) and because the allegations in this complaint are  
9 frivolous since the only description of the cause of action is simply the phrase  
10 “photo, video, drone, satalite [sic].” (ECF No. 6.) Judge Denney also noted that  
11 the Court’s order granting Nelson, III leave to amend within 30 days was not  
12 returned as undeliverable, though the Court’s April 27, 2022 advisory letter was  
13 returned as undeliverable. (*Id.*) The Court agrees with Judge Denney. Having  
14 reviewed the R&R and the record in this case, the Court will adopt the R&R in  
15 full.

16 It is therefore ordered that Judge Denney’s Report and Recommendation  
17 (ECF No. 6) is accepted and adopted in full.

18 It is further ordered that this case be dismissed without prejudice.

19 It is further ordered that the Clerk of Court administratively close this case.  
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21 DATED THIS 2<sup>nd</sup> day of December 2022.  
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25 ANNE R. TRAUM  
26 UNITED STATES DISTRICT JUDGE  
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